

PATENT
25484.772

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Reissue Application of
Masahiro SHIMIZU
Original Patent No.: 5,696,342
Issued: December 9, 1997
Serial No. 08/675,447
Filing Date: July 3, 1996
For: TONE WAVEFORM GENERATING
METHOD AND APPARATUS BASED ON
SOFTWARE



COMBINED ASSIGNEE'S CONSENT TO REISSUE
AND OFFER TO SURRENDER

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.172, YAMAHA CORPORATION, assignee of the entire interest in U.S. Patent No. 5,696,342, hereby consents to the filing of the accompanying application for the reissue of U.S. Patent No. 5,696,342.

In accordance with the provisions of 37 C.F.R. § 1.178, the assignee hereby offers to surrender the original patent, filed herewith.

I am empowered to act on behalf of the assignee identified above.

YAMAHA CORPORATION

Dated: February 16, 2000

By: Kosuke Kamo

Name: Kosuke Kamo
General Manager of

Title: Intellectual Property Div.

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REISSUE APPLICATION DECLARATION
AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Masahiro Shimizu, hereby declare as follows:

I. GENERAL

1. I am a citizen of Japan and my residence is as stated below my signature to this declaration.

2. My post office address is c/o YAMAHA CORPORATION, 10-1, Nakazawa-cho, Hamamatsu-shi, Shizuoka-ken, Japan.

3. I am the named inventor of U.S. Patent No. 5,696,342 (hereinafter referred to as the "issued patent"), entitled TONE WAVEFORM GENERATING METHOD AND APPARATUS BASED ON SOFTWARE, which issued on December 9, 1997, from U.S. application Serial No. 08/675,447, filed on July 3, 1996.

4. I am an employee of YAMAHA CORPORATION, the assignee of the issued patent.

5. I hereby apply for reissue of the issued patent.

6. I verily believe that I am the original, first and sole inventor of the subject matter that is described and claimed in the issued patent and in the specification thereof, and for which invention I solicit a reissue patent; that I have reviewed and understand the content of the reissue application including the specification and claims thereof; and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to the application for the issued patent by us or our legal representatives or assigns, except for Japanese patent application, Serial No.7-169531, filed on July 5, 1995, from which priority is claimed under Title 35, United States Code § 119.

7. I acknowledge our duty to disclose all information known to me which is material to the patentability of the reissue application in accordance with Title 37, Code of Federal Regulations §1.56.

8. I verily believe that I had the right to claim not only the Claims 1 through 18 which are present in the issued patent, but also the Claims 19 through 78 which are included in this reissue application.

9. I verily believe the issued patent to be wholly or partly inoperative or invalid by reason of the assignee claiming less than the assignee had a right to claim in the issued patent.

10. I verily believe that all errors being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicant.

11. At least one error upon which reissue is based is the assignee's failure to appreciate the full scope of the invention. For example, Claims 11-14 recite certain limitations in a "means for" format. By claiming certain aspects of the present invention in this format, it is believed that the patentee claimed less than the patentee had a right to claim. In the applicant's opinion, the full scope of the present invention is properly defined by the combination of Claims 1-18 with new Claims 19-78.

II. REISSUE POWER OF ATTORNEY

12. I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

David L. Fehrman, Reg. No. 28,600 Vincent J. Belusko, Reg. No. 30,820 David L. Henty, Reg. No. 31,323 David B. Abel, Reg. No. 32,394 Stuart L. Merkadeau, Reg. No. 33,262 Wayne M. Smith, Reg. No. 42,160 Martin M. Noonan, Reg. No. 44,264	Stefan J. Kirchanski, Reg. No. 36,568 Joseph R. Keating, Reg. No. 37,368 Gregory J. Michelson, Reg. No. 44,940 David T. Yang, Reg. No. 44,415 Stanley H. Thompson, Reg. No. 45,160 Todd W. Wight, Reg. No. 45,218
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SEND CORRESPONDENCE TO:

David L. Fehrman, Esq.
GRAHAM & JAMES
801 S. Figueroa Street, 14th Floor
Los Angeles, CA 90017

DIRECT TELEPHONE CALLS TO:

David L. Fehrman, Esq.
(213) 624-2500

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Masahiro Shimizu

Dated: Feb 23, 2000

Masahiro Shimizu
Hamamatsu-shi, Japan

Post Office Address for the Above Inventor:

c/o YAMAHA CORPORATION
10-1, Nakazawa-cho, Hamamatsu-shi, Shizuoka-ken, Japan